



PUBLIC NOTICE

Federal Communications Commission
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Dec 20 5 11 PM '03

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DA 04-3977

Released: December 20, 2004

DOMESTIC SECTION 214 APPLICATION FILED FOR TRANSFER OF CONTROL OF SULLY TELEPHONE'S REASNOR EXCHANGE TO REASNOR TELEPHONE

NON-STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 04-425

**SULLY TELEPHONE ASSOCIATION, INC., AND REASNOR TELEPHONE, LLC
SEEK WAIVER OF THE STUDY AREA BOUNDARY FREEZE AS CODIFIED IN
PART 36 AND WAIVER OF SECTION 69.605(c) OF THE COMMISSION'S RULES**

PLEADING CYCLE ESTABLISHED

CC Docket No. 96-45

Comments Due: January 3, 2004

Reply Comments Due: January 10, 2004

On November 19, 2004, Sully Telephone Association, Inc. ("Sully Telephone") and Reasnor Telephone Company, LLC ("Reasnor Telephone") (collectively, the "Applicants") filed an application pursuant to sections 63.03 and 63.04 of the Commission's rules¹ requesting approval to transfer control of Sully Telephone's Reasnor, Iowa exchange to Reasnor Telephone. On December 15, 2005, Sully Telephone and Reasnor Telephone filed a joint petition for waiver of the study area boundary freeze as codified in the Appendix-Glossary of Part 36 of the Commission's rules (Study Area Waiver).² Reasnor Telephone also seeks a waiver of the definition of "average schedule company" in section 69.605(c) of the Commission's rules (Average Schedule Waiver).³

¹ 47 C.F.R. §§ 63.03, 63.04; *see* 47 U.S.C. § 214.

² 47 C.F.R. § 36, App. (defining "study area").

³ 47 C.F.R. § 69.605(c).

Transfer of Control Application: Applicants seek streamlined treatment for this transaction under section 63.03(b)(1)(iii) of the Commission's rules because it involves only the transfer of the local exchange assets of an incumbent LEC by means other than acquisition of control.⁴ Because the domestic 214 application is associated with a non-routine request for waiver of the Commission's rules, it is not subject to streamlined treatment.⁵

Sully Telephone is an independent telephone company that currently provides local exchange telecommunications services in the Sully and Reasnor exchanges. Reasnor Telephone is a newly formed company that intends to operate as a provider of local exchange and exchange access telecommunications services in Iowa. Reasnor Telephone is wholly owned by Gary Neill.

Sully Telephone proposes to sell all of the assets of the Reasnor, Iowa exchange to Reasnor Telephone. Upon consummation of this transaction, Reasnor Telephone will become the incumbent LEC in the Reasnor, Iowa exchange area.

Applicants assert that the proposed transfer of control is in the public interest because it will result in the efficient provision of high quality telecommunications services to rural consumers, and it will result in direct benefits to customers in both the Reasnor and Sully exchanges. Applicants also assert that Reasnor Telephone will offer substantially identical telecommunications services, at similar rates, to those currently available to Sully Telephone's customers in the Reasnor exchange and the transfer will be completely seamless to the subscribers in each exchange. Applicants state that subscribers in the Sully exchange will also benefit from the proposed transaction as Sully Telephone intends to use the economic gains from the sale of the Reasnor exchange to make upgrades to its equipment.

Study Area Waiver and Average Schedule Waiver: The requested study area waiver would permit Sully Telephone to remove from its study area the Reasnor exchange (approximately 275 access lines) that it is transferring to Reasnor Telephone. The waiver would also allow Reasnor Telephone to create a new study area consisting only of the Reasnor exchange. Reasnor Telephone's requested waiver of section 69.605(c) of the Commission's rules would permit it to operate as an average schedule company after the acquisition of the Reasnor exchange from Sully Telephone. Section 69.605(c) defines an average schedule company as a telephone company that was participating in average schedule settlements on December 1, 1982.

GENERAL INFORMATION

The transfer of control identified herein has been found, upon initial review, to be acceptable for filing as a non-streamlined application. The Commission reserves the right to return any transfer of control application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies. Interested parties

⁴ 47 C.F.R. § 63.03(b)(1)(iii).

⁵ See 47 C.F.R. § 63.03(c)(1)(i).

may file **comments on or before January 3, 2005** and **reply comments on or before January 10, 2005**.⁶ Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (1998).

Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send e-mail to ecfs@fcc.gov, and should include the following words in the subject line "get form <your e-mail address>." A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

In addition, one copy of each pleading must be sent to each of the following:

- (1) The Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, DC 20554, www.bcpweb.com; phone: (202) 488-5300 fax: (202) 488-5563;
- (2) Tracey Wilson, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C212, Washington, D.C. 20554; e-mail: tracey.wilson-parker@fcc.gov;

⁶ See 47 C.F.R. § 63.03(a).

- (3) Alex Johns, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-B418, Washington, D.C. 20554; e-mail: alexis.johns@fcc.gov;
- (4) William Dever, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C266, Washington, D.C. 20554; e-mail: william.dever@fcc.gov;
- (5) Susan O'Connell, Policy Division, International Bureau, 445 12th Street, S.W., Room 7-B544, Washington, D.C. 20554; email: susan.o'connell@fcc.gov; and
- (6) James Bird, Office of General Counsel, 445 12th Street, S.W., Room 8-C824, Washington, D.C. 20554; e-mail: james.bird@fcc.gov.
- (7) Sheryl Todd, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-B540, Washington, D.C. 20554; e-mail: sheryl.todd@fcc.gov.

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC, 20554. They may also be purchased from the Commission's duplicating contractor, the Commission's duplicating contractor. Best Copy and Printing, Inc., Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC 20554, telephone: (202) 488-5300, fax: (202) 488-5563, or via e-mail www.bcpiweb.com.

For further information, please contact Tracey Wilson, at (202) 418-1394, or Alex Johns at (202) 418-1167.

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